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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JUSTIN JAMES EDMISTEN,

Petitioner,

vs.

DWIGHT NEVEN, et al.,

Respondents.

Case No. 2:15-cv-00952-RFB-NJK

**UNOPPOSED MOTION FOR
ENLARGEMENT OF TIME
TO FILE ANSWER TO FIRST AMENDED
PETITION FOR WRIT OF HABEAS
CORPUS (ECF NO. 41)**

(FIRST REQUEST)

Respondents move this Court for an enlargement of time of 30 days from the current due date of January 2, 2020, up to and including February 3, 2020, in which to file their Answer to the remaining claims in the First Amended Petition for Writ of Habeas Corpus (ECF No. 41). This Motion is made pursuant to Fed. R. Civ. P. 6(b) and Rule 6-1 of the Local Rules of Practice and is based upon the attached declaration of counsel. This is the first enlargement of time sought by Respondents to file this answer, and the request is brought in good faith and not for the purpose of delay.

DATED: January 2, 2020.

Submitted by:

AARON D. FORD
Attorney General

By: /s/ Jessica Perlick
Jessica Perlick (Bar. No. 13218)
Senior Deputy Attorney General

1 **DECLARATION OF JESSICA PERLICK**

2 STATE OF NEVADA)
3) ss:
4 COUNTY OF CLARK)

5 I, JESSICA PERLICK, being first duly sworn under oath, depose and state as follows:

6 1. I am an attorney licensed to practice law in all courts within the State of Nevada, and am
7 employed as a Senior Deputy Attorney General in the Office of the Nevada Attorney General. I am
8 assigned to represent Respondents in *Justin James Edmisten v. Dwight Neven, et al.*, Case No. 2:15-cv-
00952-RFB-NJK, and as such, have personal knowledge of the matters contained herein.

9 2. This Motion is made in good faith and not for the purpose of delay.

10 3. The Answer to the First Amended Petition is currently due January 2, 2020.

11 4. I am unable with due diligence to timely complete the Answer herein.

12 5. I was sick and out of the office for multiple days in December, which impacted a number
13 of previously scheduled deadlines, including Ninth Circuit Court of Appeals briefing in *Bolin v. Baker*,
14 15-99004; *Rogers v. Dzurenda*, 19-17158; and *Hogan v. Gittere*, 18-99004; all of which are now due
15 between now and the end of February. During the time I was in the office, I was also providing coverage
16 for court appearances while others were on holiday leave, including hearings in *Valentine v. State*,
17 C304810; *Valentine v. State*, A767205; *Ferm v. Nevada Dep't of Parole and Probation*, A789688; and
18 *State v. Sember*, C334919. The combination of these factors greatly impacted my time and ability to
19 complete the Answer, resulting in this request.

20 6. I have contacted counsel for the Petitioner, and he does not oppose this request for an
21 extension.

22 7. Based on the foregoing, I respectfully request an enlargement of time of 30 days, up to
23 and including February 3, 2020, to file the Answer to the First Amended Petition.

24 I declare under penalty of perjury that the foregoing is true and correct.

25 Executed on this Thursday, January 2, 2020.
26 IT IS SO ORDERED:

27 /s/ Jessica Perlick
28 Jessica Perlick (Bar No. 13218)
Senior Deputy Attorney General


RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that I electronically filed the foregoing *Unopposed Motion for Enlargement of*
3 *Time to File Answer to First Amended Petition for Writ of Habeas Corpus (ECF No. 41) (First Request)*
4 with the Clerk of the Court by using the CM/ECF system on January 2, 2020.

5 The following participants in this case are registered CM/ECF users and will be served by the
6 CM/ECF system:

7 Martin Novillo
8 Federal Public Defender
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12 /s/ K. Plett
13 An employee of the Office of the Attorney General
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